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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,716	01/22/2002	Sashikanth Chandrasekaran	50277-1763	2140

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/056,716	CHANDRASEKARAN ET AL.	
	Examiner	Art Unit	
	Susan Y. Chen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 16-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on 03/08/2007.

Claims 8-15, 23-44 are pending for examination, claims 8-15 and 23-30 have been withdrawn for consideration previously; claims 1-7 and 16-22, have been canceled, claims 31 and 38 have been amended. Applicant is reminded to cancel all non-elected claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-44, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 31 and 38, the claimed "a certain lock" at line 8 of claim 31 and line 10 of claim 38 is indefinite, because there are more than one "a certain lack" claimed in these claims (see line 2 of claim 31 and line 4 of claim 38). In addition, what is the claimed "a certain lock" referred to (i.e., There are many different locks exist in the database art, does the claimed a certain refer to a "read lock", or a "write lock" or others?)

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As to claims 32-37 and 39-44, these claims have the same defects as their base claim respectively, hence, are rejected for the same reason.

Because the ambiguous nature of instant invention, the following art rejection is to the best that the examiner is able to ascertain.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 31-33, 36-40 and 43-44, are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 5,721,943).

As to claims 31 and 38, Johnson discloses the claimed features [e.g., Abstract, Fig. 5 and associated texts], comprising:

a requester transmitting to a lock management system a request for a control data lock on a first resource [e.g., Abstract];

said lock management system denying said request based on a blocking condition [e.g., the steps: 120 of 6A – the step 134, Fig. 6C] that, while in effect, said lock management system does grant a request for a certain lock on a second resource different than said first resource [e.g., col. 3, lines 1-6, claim 10, steps: 150, 152, Fig. 7A; 170-176, Fig 7C & 178-184, Fig 7D];

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said requester receiving from said lock management system a response that (1) denies said request for the certain lock on a resource [e.g., col. 14, lines 20-24, lines 41-48, the steps: 122, 124, 126, 128, 134, Fig. 6B] and (2) includes data that identifies the second resource [e.g., the step 130, Fig. 6C and associated texts];

said requester determining said blocking condition is no longer in effect by performing certain steps [e.g., Fig(s). 3, 4B, 5 and associated texts] that include: (1) said requester transmitting to said lock management a request for a lock on said second resource [e.g., steps: 136, 138, 140 Fig. 6C]; and said requester receiving from said lock management system a response that grants said request for said lock on said second resource [e.g., the late notification means at col. 7, lines 50-51, the steps: 140, 142, 144, Fig. 6C, col. 14, lines 30-46].

As to claims 32 and 39, in addition to the features disclosed in claims 31 and 38 respectively, the combined system of Johnson and McKean further discloses that the second resource is a transaction [e.g., the early notification routine, late notification routine at Record unit 130, Fig. 6B] and the first resource is a resource locked for the transaction [e.g., the lock types requested at 96, Fig. 5].

As to claims 33 and 40, in addition to the features disclosed in claims 32 and 39 respectively, the combined system of Johnson and McKean further discloses that the data that identifies a second resource includes a transaction id identifying the transaction [e.g., the LOCKID, TRXID, INTRXID of Record unit 130, Fig. 6B].

As to claims 36 and 43, in addition to the features disclosed in claims 31 and 38 respectively, the combined system of Johnson and McKean further discloses that when the blocking condition no longer prevents the lock management system from granting a lock on the first resource, said first requester informing the lock management system that blocking condition is no longer in effect [e.g., col. 7, lines 40-50].

As to claims 37 and 44, in addition to the features disclosed in claims 31 and 38 respectively, the combined system of Johnson and McKean further discloses that the first requester informing the lock management system that the blocking condition is no longer effect by making another request for a lock of the first resource, the request including data specifying that the blocking condition is no longer effect [e.g., col. 7, lines 36-52].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-35 and 41-42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent No. 5,721,943) in view of Varma (U.S. Patent No. 6,336,134).

As to claims 34-35 and 41-42, in addition to the features disclosed in claims 31 and 38 respectively, the combined system of Johnson and McKean further discloses that the first resource is a data block [e.g., Johnson: Fig. 9B]

However, Varma discloses that the claimed blocking condition that based on the data block undergoing a marking block-split operation [e.g., col. 18, lines 44- col. 19, lines 6, Fig. 15 and associated texts].

Johnson and Varma are both in the same endeavor to optimize concurrent shared data processing via data block locking mechanism, thus, with the teachings of Johnson and Varma in front of him or her, it would have been obvious for an ordinary skilled person at the time the invention was made, to apply Varma's marking block-split operation in Johnson's invention, because by doing so, the combined system will provide an upgraded dynamic locking mechanism of data blocks to facilitate concurrent shared data accessing without entering into deadlock.

Response to Arguments

Applicant's arguments filed on March 8, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments for claims 31 and 38, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a response of data that identifies a second resource for which a second lock may be requested to determine whether the blocking condition is

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no longer in effect) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments for claims 32 and 39, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (the transaction id is generated as part of a response that denies a lock request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
Art Unit 2161



May 20, 2007